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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,524	11/15/2000	Ayad Beghdad		3620

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FAIRFIELD, CT 06824

EXAMINER

MICHALSKI, JUSTIN I

ART UNIT PAPER NUMBER

2644

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,524

Applicant(s)

BEGHDAD, AYAD

Examiner

Justin Michalski

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14,16-26,28-36 and 38-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14,16-26,28-36,38-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 7 September 2005 have been fully considered but they are not persuasive. Applicant argues, page 11, that Pastor does not disclose estimating speech together with some noise rather estimation of the spectral density of the signal contains speech together with all noise. This is not persuasive as the term "some" is broad and defined by Merriam-Webster's Collegiate Dictionary, Tenth Edition as "being of an unspecified amount or number".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-12, 14, 16-26, 28-36, and 38-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Pastor et al. (Hereinafter "Pastor") (US Patent 6,445,801).

Regarding Claims 1, 24, and 36 Pastor discloses a noise suppressor, communications terminal, and method of suppressing noise in a signal containing noise to provide a noise suppressed signal in which an estimate is made of the noise (Fig. 1, reference 2) and an estimate is made of speech together with some noise (reference 3), wherein the estimate of speech together with some noise is used to generate a noise reducing filter (Fig. 1, filter 4).

Regarding Claims 3, 16, 28, and 38 Pastor further discloses the level of the noise included in the estimate of the speech together with some noise is variable so as to include a desired amount of noise in the noise suppressed signal (Col. 7, lines 38-45 disclose variable coefficient alpha).

Regarding Claim 4, 17, 29, and 39 Pastor further discloses noise suppression in signals containing speech (i.e. context information) (Col. 1, lines 10-13).

Regarding Claims, 5, 18, 30, and 40 Pastor further discloses the level of the noise is below the mask limit of the speech and so is not audible to a listener (Col. 2, lines 49-56).

Regarding Claims 6, 19, 31, and 41 Pastor further discloses the level of noise in the estimate of the speech together with some noise approaches the mask limit of the speech and so some noise context information is left in the signal (Col. 12, lines 57-67).

Regarding Claims 10, 20, 32, and 42, Pastor further discloses the estimate of speech together with some noise is estimated to have a noise level lower than the noise level in the signal containing noise (Col. 9, line 65 through Col. 10, line 14).

Regarding Claims 12, 22, 34, and 44, Pastor further discloses noise reducing filters generalized and being a Wiener filter (Col. 6, lines 17-28).

Regarding Claims 11, 21, 33, and 43, Pastor further discloses a reducing factor is applied to reduce the noise level of the estimate of speech together with some noise (Fig. 2, reference 4) relative to the noise level in the signal containing noise (references 2 and 3).

Regarding Claim 8, Pastor further discloses the estimated noise is power spectral density (see abstract).

Regarding Claim 9, Pastor further discloses the first estimation (Fig. 2, reference 2) is used to update the estimated noise (reference 4).

Regarding Claim 7, 13, 23, 35, and 45 Pastor further discloses a gain coefficient is produced in which a first estimation of the gain coefficient is made adaptively (Col. 2, lines 42-46) and this first estimation is used to produce a noise estimation which is then used to produce a second estimation of the gain function (Fig. 2, reference 4).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (571)272-7524. The examiner can normally be reached on M-F 7-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM


December 19, 2005


HUYEN LE
PRIMARY EXAMINER